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SUBJECT: CEC CHAIR PROMISES AMBASSADOR COOPERATION ON MAY RERUN ELECTIONS

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¶1. (SBU) SUMMARY: On February 9 Ambassador called on Central Election Commission (CEC) Chairman Mezahir Panahov to discuss preparations for the May 13 reruns of ten parliamentary seats. Ambassador addressed a wide area of reforms that could be undertaken, most notably restricting local authorities from exercising influence over the process and getting a fair vote count on election night. Panahov agreed that there had been problems in the November elections and promised cooperation. However, he was also defensive about certain issues, particularly those raised by the final OSCE ODIHR report such as the problems with voter cards and the complaints procedure. END SUMMARY.

¶2. (SBU) Ambassador called on newly-re-elected Central Election Commission Chairman Mezahir Panahov on February 9 to discuss preparations for the upcoming May 13 parliamentary rerun elections. Ambassador ensured Panahov that the USG would retain its high-level engagement in the next several months and asked for his help in resolving key problems from the November elections. Ambassador specifically highlighted local authorities' (ExCom's) interference in the process and the election night vote tabulation, saying that a crucial indicator of political will would be to try a case and put at least one official behind bars before May.

¶3. (SBU) Panahov agreed that authorities must be prevented from exercising influence over the process and noted that President Aliyev had already issued a warning. Coupled with the fact that several members of election commissions had been jailed and several ExComs had been fired, Panahov said he could already see a change in mentality. He also said that it would be useful to give the CEC more authority to dismiss individual constituency election commission members. (Currently the CEC's authority is very limited and only entire commissions can be dismissed). Panahov urged Ambassador to remain engaged on this specific issue and overall, saying that the USG must be prepared for the election and must extend its full support to the CEC for Panahov to be able to do his job. Ambassador promised his support, but responded that it was ultimately the job of the GOAJ to run clean elections.

¶4. (SBU) Ambassador also asked Panahov to consider changing the structure of precinct election commissions (PECs) to represent broader society. Currently, he said, the PECs are dominated by teachers from the schools that house the polling stations. This presents a problem on election day when the director of the school then is either chair of the PEC or mills around to "supervise." Ambassador said the PECs should be more representative, but Panahov countered that teachers and physicians are the most educated and most independent individuals in the regions, and thus the current structure was optimal. Panahov did indicate, however, that the May reruns would be conducted by new election commissions formed in accordance with

the election code (septel).

¶15. (SBU) Panahov was also intransigent on the issue of military voting. The transparency of PECs at military bases and access to facilities for candidates was a commonly cited problem in November. However, Panahov said he could do nothing about the issue, as the numbers of soldiers and layouts of facilities constituted state secrets, and thus no one could have access to those details. Panahov said if he tried to force soldiers to vote at civilian PECs or form military PECs with civilians, he would be prosecuted for breaching national security.

¶16. (SBU) To further institutionalize finger inking, Ambassador asked Panahov for his thoughts on adding finger inking to the electoral code and removing the voter card requirement. Panahov responded that he supported adding finger inking into the election code, but said ODIHR has exaggerated the problem with the voter cards. He said that the assessment of the voter cards in ODIHR's report did not accord with reality, but that it was used to push the GOAJ to implement finger inking. Panahov said that it would be possible to continue using voter cards without requiring their use. Panahov also criticized ODIHR's focus on the complaints procedure, stating that the CEC had acted in accordance with Venice Commission regulations. There was little more he could do, he said. (Post's anecdotal evidence falls more in line with ODIHR's assessment of both voter cards and the complaints procedure.)

HARNISH